

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

SAMUEL S. MEEKER, et al.,	:	
Plaintiffs,	:	
	:	
v.	:	CIVIL ACTION NO. 18-CV-757
	:	
WARDEN TODD BUSKIRK, et al.,	:	
Defendants.	:	

ORDER

AND NOW, this 22nd day of May, 2018, upon consideration of Plaintiffs Samuel S. Meeker and Tashawn Hunter's Motions to Proceed *In Forma Pauperis* (ECF No. 3), their Prisoner Trust Fund Account Statements (ECF No. 4), their *pro se* Amended Complaint (ECF No. 1-3), which raises claims on their own behalf as well as on behalf of four other inmates at the Northampton County Prison, and Meeker's Motion for Appointment of Counsel (ECF No. 6), it is **ORDERED** that:

1. Plaintiffs Keyvon Hinson, Anthony Patterson, Hindalo Massaquoi, and Carl Holzinger, are **DISMISSED without prejudice** as parties to this case and any claims raised on their behalf in the Amended Complaint are **DISMISSED without prejudice**.

2. Plaintiff Samuel S. Meeker is **GRANTED** leave to proceed *in forma pauperis*. Meeker shall pay the full filing fee of \$350 in installments, pursuant to 28 U.S.C. § 1915(b). Based on the financial information provided by Meeker, he is not assessed an initial partial filing fee. In each month when the amount in Meeker's inmate trust fund account or institutional equivalent exceeds \$10.00, the appropriate official at the Quakertown Men's Residential Inpatient Treatment Center shall forward payments to the Clerk of Court equaling 20% of the

preceding month's income credited to Meeker's inmate trust fund account until the fees are paid. Each payment shall reference the docket number for this case, Civil Action No. 18-757.

3. Plaintiff Tashawn Hunter, #23712, is **GRANTED** leave to proceed *in forma pauperis*. Hunter shall pay the full filing fee of \$350 in installments, pursuant to 28 U.S.C. § 1915(b). Based on the financial information provided by Hunter, an initial partial filing fee of \$1.30 is assessed. The Warden or other appropriate official at the Northampton County Prison or at any other prison at which Hunter may be incarcerated is directed to deduct \$1.30 from Hunter's inmate trust fund account, when such funds become available, and forward that amount to the Clerk of the United States District Court for the Eastern District of Pennsylvania, 601 Market Street, Room 2609, Philadelphia, PA 19106, to be credited to Civil Action No. 18-757. In each succeeding month when the amount in Hunter's inmate trust fund account exceeds \$10.00, the Warden or other appropriate official shall forward payments to the Clerk of Court equaling 20% of the preceding month's income credited to Hunter's inmate trust fund account until the fees are paid. Each payment shall reference the docket number for this case, Civil Action No. 18-757.

4. The Clerk of Court is directed to send a copy of this order to the Warden at the Northampton County Prison and the appropriate official at the Quakertown Men's Residential Inpatient Treatment Center.

5. The Amended Complaint is **DISMISSED** for failure to state a claim, pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii), for the reasons stated in the Court's Memorandum. Meeker and Hunter's claims against U.S. Gov't and State of Pennsylvania are **DISMISSED with prejudice**. Their remaining claims are **DISMISSED without prejudice** to amendment in accordance with paragraph 6 of this Order.

6. Meeker and Hunter are given leave to file a second amended complaint within thirty (30) days of the date of this Order in the event they can state a plausible claim against an appropriate defendant or defendants. If Meeker and Hunter file a second amended complaint, they shall identify all of the defendants in the caption of the amended complaint and clearly state how each defendant was involved in the claimed violations of their constitutional rights. Any second amended complaint shall be a complete document that does not rely on prior pleadings filed in this case to state a claim. Upon the filing of a second amended complaint, the Clerk of Court shall not make service until so **ORDERED**.

7. If Meeker and Hunter fail to file a second amended complaint in accordance with this Order, their case may be dismissed for failure to prosecute without further notice.

8. Meeker's Motion for Appointment of Counsel is **DENIED without prejudice** to renewal in the event he files a second amended complaint.

BY THE COURT:

/s/ Jeffrey L. Schmehl
JEFFREY L. SCHMEHL, J.